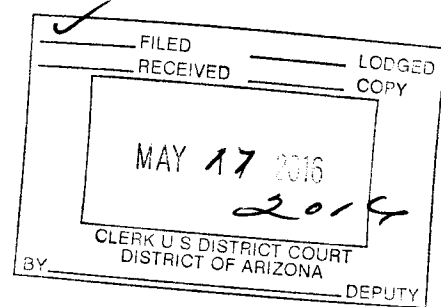


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3 District of Arizona  
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11 Attorneys for Plaintiff



7 IN THE UNITED STATES DISTRICT COURT  
8 FOR THE DISTRICT OF ARIZONA

9 United States of America,  
10  
11 Plaintiff,

12 vs.

13 Ariana Elizabeth Haro,  
14 Defendant.

CR 16-750-JAS  
Mag No: 16-4288M (DTF)

PLEA AGREEMENT

(Fast Track § 5K3.1/  
Government Savings § 5K2.0)

15 The United States of America and the defendant agree to the following disposition  
16 of this matter:

17 PLEA

18 1. The defendant agrees to plead guilty to Count One of the Indictment, which  
19 charges the defendant with a felony violation of 21 U.S.C. §§ 846 and 841(a)(1) and  
20 (b)(1)(D), Conspiracy to Possess with Intent to Distribute Marijuana. Count Two of the  
21 Indictment will be dismissed at sentencing.

22 Elements of the Offense

23 2. The elements of the offense are as follows:

24 a. The defendant agreed with at least one other person to commit the  
25 crime of Possession with Intent to Distribute Marijuana as charged in the Indictment;

26 b. The defendant became a member of the conspiracy knowing that its  
27 object was the Possession of Marijuana with Intent to Distribute, in violation of 21 U.S.C.  
28 §§ 846 and 841(a)(1) and (b)(1)(D), and intending to accomplish said object.

1 As a sentencing factor, the government would be required to prove the quantity of  
2 marijuana possessed.

3 Maximum Penalties

4 3. The defendant understands that the maximum penalties for the offense to  
5 which he/she is pleading are a fine of \$250,000.00, a maximum term of 5 years  
6 imprisonment, or both, and a term of between two (2) years and lifetime supervised  
7 release.

8 4. The defendant agrees to pay a fine unless the defendant establishes the  
9 applicability of the exceptions contained in § 5E1.2(e) of the Sentencing Guidelines.

10 5. Pursuant to 18 U.S.C. § 3013, the defendant shall pay a special assessment  
11 of \$100.00 per felony count. The special assessment is due and payable at the time the  
12 defendant enters the plea of guilty, but in no event shall be paid later than the time of  
13 sentencing unless the defendant is indigent. If the defendant is indigent, the special  
14 assessment will be collected according to the provisions of Chapters 227 and 229 of Title  
15 18, United States Code.

16 Drug Conviction & Immigration Consequences

17 6. The defendant understands and acknowledges that pleading guilty may  
18 result in the termination or denial of certain food stamp, social security, and other  
19 benefits for defendant and the defendant's immediate family pursuant to 21 U.S.C.  
20 §§ 862 and 862a.

21 7. The defendant recognizes that pleading guilty may have consequences with  
22 respect to his/her immigration status if the defendant is a recently naturalized United  
23 States citizen or is not a citizen of the United States. Under federal law, a broad range of  
24 crimes are removable offenses, including the offense(s) to which defendant is pleading  
25 guilty. Although there may be exceptions, the defendant understands that the defendant's  
26 guilty plea and conviction for this offense make it practically inevitable and a virtual  
27 certainty that the defendant will be removed or deported from the United States. The  
28 defendant agrees that he/she has discussed this eventuality with his/her attorney. The

1 defendant nevertheless affirms that he/she wants to plead guilty regardless of any  
 2 immigration consequences that this plea entails, even if the consequence is the  
 3 defendant's automatic removal from the United States.

#### 4 STIPULATIONS, TERMS AND AGREEMENTS

##### 5 Agreements Regarding Sentencing

6 8. Guideline Calculations: Although the parties understand that the Guidelines  
 7 are only advisory and just one of the factors the Court will consider under 18 U.S.C.  
 8 § 3553(a) in imposing a sentence, pursuant to Rule 11(c)(1)(C), Fed. R. Crim. P., the  
 9 parties stipulate and agree that the following guideline calculations are appropriate for the  
 10 charge for which the defendant is pleading guilty:

11	Base Offense Level	2D1.1(c)(13)	14
12	(10-20 kg marijuana)		
13	Safety Valve	2D1.1(b)(17)	-2/0*
14	Acceptance of Responsibility	3E1.1(a) & (b)	-3
15	Early Disposition/Government Savings	5K3.1/5K2.0	<u>-4</u>
16	Total Adjusted Offense Level:		6/8

17 *\*Only applies if defendant satisfies all requirements of U.S.S.G. § 2D1.1(b)(17) & 5C1.2.*

18 9. The parties agree that the defendant was an average participant in the  
 19 offense for the purpose of role analysis under U.S.S.G. §§ 3B1.1 and 3B1.2.

20 10. Sentencing Range: Pursuant to Fed. R. Crim. P., Rule 11(c)(1)(C), the  
 21 government and the defendant stipulate and agree that the following are the applicable  
 22 guideline ranges for the offense:

- 23 0 to 6 months imprisonment if defendant's Criminal History Category is I;
- 24 4 to 10 months imprisonment if defendant's Criminal History Category is II;
- 25 6 to 12 months imprisonment if defendant's Criminal History Category is III;
- 26 10 to 16 months imprisonment if defendant's Criminal History Category is IV;
- 27 15 to 21 months imprisonment if defendant's Criminal History Category is V;
- 28 18 to 24 months imprisonment if defendant's Criminal History Category is VI.

1           11. The defendant may withdraw from the plea agreement if he/she receives a  
2 sentence in excess of the stipulated ranges listed above.

3           12. If the defendant moves for any adjustments in Chapters Two, Three or Four  
4 of the Sentencing Guidelines or any “departures” from the Sentencing Guidelines, the  
5 government may withdraw from this agreement. If the defendant argues for a variance  
6 under 18 U.S.C. § 3553(a) in support of a sentence request below the stipulated ranges in  
7 this agreement, the government may oppose the requested variance. The government will  
8 not withdraw from the agreement if the defendant argues for a variance below the  
9 stipulated range in this agreement or if the court grants such a variance.

10           13. If there are any co-defendants in this case, this plea agreement is contingent  
11 upon the successful guilty pleas of all co-defendants. If any of the co-defendants do not  
12 plead guilty in this case, the government reserves the right to withdraw from the plea  
13 agreement.

14           14. The defendant understands that if the defendant violates any of the  
15 conditions of the defendant’s supervised release, the supervised release may be revoked.  
16 Upon such revocation, notwithstanding any other provision of this agreement, the  
17 defendant may be required to serve a term of imprisonment or the defendant’s sentence  
18 may otherwise be altered.

19           15. The defendant and the government agree that this agreement does not in  
20 any manner restrict the actions of the government in any other district or bind any other  
21 United States Attorney’s Office.

22           16. The defendant understands and agrees to cooperate fully with the United  
23 States Probation Office in providing (a) all criminal history information, i.e., all criminal  
24 convictions as defined under the Sentencing Guidelines; (b) all financial information, i.e.,  
25 present financial assets or liabilities that relate to the ability of the defendant to pay a fine  
26 or restitution; (c) all history of drug abuse which would warrant a treatment condition as  
27 part of sentencing; and (d) all history of mental illness or conditions which would warrant  
28 a treatment condition as part of sentencing.

17. If the Court, after reviewing this plea agreement, concludes any provision is inappropriate, it may reject the plea agreement pursuant to Rule 11(c)(5), Fed. R. Crim. P., giving the defendant, in accordance with Rule 11(d)(2)(A), Fed. R. Crim. P., an opportunity to withdraw defendant's guilty plea.

## Forfeiture

18. Nothing in this plea agreement shall be construed to protect the defendant from civil forfeiture proceedings or prohibit the United States from proceeding with and/or initiating an action for civil forfeiture. Further, this agreement does not preclude the United States from instituting any civil proceedings as may be appropriate now or in the future.

## Waiver of Defenses and Appeal Rights

19. Provided the defendant receives a sentence in accordance with this fast-track plea agreement, the defendant waives (1) any and all motions, defenses, probable cause determinations, and objections that the defendant could assert to the indictment or information; and (2) any right to file an appeal, any collateral attack, and any other writ or motion that challenges the conviction, an order of restitution or forfeiture, the entry of judgment against the defendant, or any aspect of the defendant's sentence-including the manner in which the sentence is determined and any sentencing guideline determinations. The sentence is in accordance with this agreement if the sentence imposed does not exceed 24 months imprisonment and is within the stipulated range or below the stipulated range if the Court grants a variance. The defendant further waives: (1) any right to appeal the Court's entry of judgment against defendant; (2) any right to appeal the imposition of sentence upon defendant under Title 18, United States Code, Section 3742 (sentence appeals); (3) any right to appeal the district court's refusal to grant a requested variance; (4) any right to collaterally attack defendant's conviction and sentence under Title 28, United States Code, Section 2255, or any other collateral attack; and (5) any right to file a motion for modification of sentence, including under Title 18, United States Code, Section 3582(c). The defendant acknowledges that this waiver shall result in the

1 dismissal of any appeal or collateral attack the defendant might file challenging his/her  
 2 conviction or sentence in this case. If the defendant files a notice of appeal or a habeas  
 3 petition, notwithstanding this agreement, defendant agrees that this case shall, upon  
 4 motion of the government, be remanded to the district court to determine whether  
 5 defendant is in breach of this agreement and, if so, to permit the government to withdraw  
 6 from the plea agreement. This waiver shall not be construed to bar an otherwise-  
 7 preserved claim of ineffective assistance of counsel or of "prosecutorial misconduct" (as  
 8 that term is defined by Section II.B of Ariz. Ethics Op. 15-01 (2015)).

9 20. If the defendant's guilty plea is rejected, withdrawn, vacated, or reversed by  
 10 any court in a later proceeding, the government will be free to prosecute the defendant for  
 11 all charges as to which it has knowledge, and any charges that have been dismissed  
 12 because of this plea agreement will be automatically reinstated. In such event, the  
 13 defendant waives any objections, motions, or defenses based upon the Speedy Trial Act  
 14 or the Sixth Amendment to the Constitution as to the delay occasioned by the later  
 15 proceedings.

#### 16 Plea Addendum

17 21. This written plea agreement, and any written addenda filed as attachments  
 18 to this plea agreement, contain all the terms and conditions of the plea. Any additional  
 19 agreements, if any such agreements exist, shall be recorded in a separate document and  
 20 may be filed with the Court under seal. Accordingly, additional agreements, if any, may  
 21 not be in the public record.

#### 22 WAIVER OF DEFENDANT'S RIGHTS AND FACTUAL BASIS

##### 23 Waiver of Rights

24 I have read each of the provisions of the entire plea agreement with the assistance  
 25 of counsel and understand its provisions. I have discussed the case and my constitutional  
 26 and other rights with my attorney. I understand that by entering my plea of guilty I will  
 27 be giving up my right to plead not guilty; to trial by jury; to confront, cross-examine, and  
 28 compel the attendance of witnesses; to present evidence in my defense; to remain silent

1 and refuse to be a witness against myself by asserting my privilege against self-  
2 incrimination; all with the assistance of counsel; to be presumed innocent until proven  
3 guilty beyond a reasonable doubt; and to appeal.

4 I agree to enter my guilty plea as indicated above on the terms and conditions set  
5 forth in this agreement.

6 I have been advised by my attorney of the nature of the charge to which I am  
7 entering my guilty plea. I have been advised by my attorney of the nature and range of  
8 the possible sentence, and that I will not be able to withdraw my guilty plea if I am  
9 dissatisfied with the sentence the court imposes.

10 My guilty plea is not the result of force, threats, assurance or promises other than  
11 the promises contained in this agreement. I agree to the provisions of this agreement as a  
12 voluntary act on my part, rather than at the direction of or because of the recommendation  
13 of any other person, and I agree to be bound according to its provisions. I agree that any  
14 Sentencing Guidelines range referred to herein or discussed with my attorney is not  
15 binding on the Court and is merely an estimate.

16 I agree that this written plea agreement contains all the terms and conditions of my  
17 plea and that promises made by anyone (including my attorney) that are not contained  
18 within this written plea agreement are without force and effect and are null and void.

19 I am satisfied that my defense attorney has represented me in a competent manner.

20 I am not now on or under the influence of any drug, medication, liquor, or other  
21 intoxicant or depressant, which would impair my ability to fully understand the terms and  
22 conditions of this plea agreement.

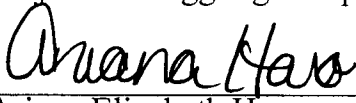
23 Factual Basis and Relevant Conduct

24 I further agree that the following facts accurately describe my conduct in  
25 connection with the offense to which I am pleading guilty and that if this matter were to  
26 proceed to trial the government could prove the elements of the offense beyond a  
27 reasonable doubt:  
28



On or about March 20, 2016, at or near Whetstone, in the District of Arizona, Ariana Elizabeth Haro was the driver of a rented 2016 Ford Focus and was accompanied by passenger Selena Maturo. The vehicle was subject to inspection at a United States Border Patrol checkpoint on State Route 90. The vehicle contained 14 kilograms of marijuana concealed in a suitcase, a backpack and a tote bag in the trunk. Haro knew the vehicle contained an illegal narcotic and she admits the narcotic was marijuana. Haro had made an agreement with Maturo and with parties known and unknown to deliver the marijuana to another person. Haro intended to be compensated for her participation in the marijuana smuggling conspiracy.

5/17/16  
Date

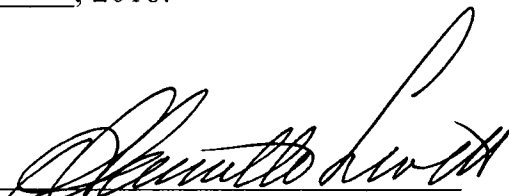
  
Ariana Elizabeth Haro  
Defendant

DEFENSE ATTORNEY'S APPROVAL

I have discussed this case and the plea agreement with my client in detail and have advised the defendant of all matters within the scope of Rule 11, Fed. R. Crim. P., the constitutional and other rights of an accused, the factual basis for and the nature of the offense to which the guilty plea will be entered, possible defenses, and the consequences of the guilty plea, including the defendant's waiver of the right to appeal. No assurances, promises, or representations have been given to me or to the defendant by the government or by any of its representatives which are not contained in this written agreement. I concur in the entry of the plea as indicated above and on the terms and conditions set forth in this agreement as in the best interests of my client. I agree to make a bona fide effort to ensure the guilty plea is entered in accordance with all the requirements of Rule 11, Fed. R. Crim. P.

I translated or caused to be translated this agreement from English into Spanish to the defendant on the \_\_\_\_ day of \_\_\_\_\_, 2016.

Date: 5/17/16

  
Harriette P. Levitt, Esq.  
Attorney for Defendant

///



GOVERNMENT'S APPROVAL

I have reviewed this matter and the plea agreement. I agree on behalf of the United States that the terms and conditions set forth are appropriate and are in the best interests of justice.

JOHN S. LEONARDO  
United States Attorney  
District of Arizona



ANN L. DEMARAIS  
Assistant U.S. Attorney

Date:

5/17/16